

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

SPORTSMEN’S ALLIANCE FOUNDATION;
VERMONT BEARHOUND ASSOCIATION;
VERMONT FEDERATION OF
SPORTSMEN’S CLUBS; VERMONT
TRADITIONS COALITION; and LUKE MARTIN,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE and
MARTHA WILLIAMS, in her official capacity as
Director of the U.S. Fish and Wildlife Service,

Federal Defendants.

Case No: 2:22-cv-175-CR

STIPULATION OF VOLUNTARY DISMISSAL

The following stipulation to the dismissal of this action is entered into by and between Plaintiffs Sportsmen’s Alliance Foundation, Vermont Bearhound Association, Vermont Federation of Sportsmen’s Clubs, Vermont Traditions Coalition, and Luke Martin; and Federal-Defendants Martha Williams, Director of the U.S. Fish and Wildlife Service (“Service”), and the Service (collectively, the “Parties”):

WHEREAS, on August 31, 2021, the Service issued a new Silvio O. Conte National Fish and Wildlife Refuge Recreational Hunting and Fishing Plan, which restricted dog training within the Vermont portion of the Silvio O. Conte National Fish and Wildlife Refuge in the months of June and July, required permits for hunting with or training dogs on the Conte Refuge, and prohibited the use of dogs to hunt any species other than ruffed grouse on the Putney Mountain Unit of the Refuge. *See* ECF No. 17, AR-000011.

WHEREAS, on August 31, 2021, the Service issued the 2021-2022 Station-Specific Hunting and Sport Fishing Regulations Final Rule that incorporated these rules. 86 Fed. Reg. 48,824, 48,831, 48,879 (Aug. 31, 2021).

WHEREAS, on September 14, 2022 and March 13, 2023, Plaintiffs filed their Complaint and First Amended Complaint, respectively, alleging that the Service failed to provide adequate notice that it was considering these restrictions in the 2021-2022 Station-Specific Hunting and Sport Fishing Regulations Proposed Rule and the draft Silvio O. Conte National Fish and Wildlife Refuge Recreational Hunting and Fishing Plan before issuing the final versions. *See* ECF No. 1, 23.

WHEREAS, on April 24, 2023, the Service issued a supplemental Environmental Assessment proposing a new rule relating to dog training within the Vermont portion of the Conte Refuge and the use of dogs for hunting on the Putney Mountain Unit of the Conte Refuge and a new draft recreational hunting and fishing plan for the New Hampshire and Vermont portions of the Conte Refuge. *See* ECF No. 44, SAR-0103, SAR-0253.

WHEREAS, on June 2, 2023, after considering public comments, including from Plaintiffs, the Service issued a new Recreational Hunting and Fishing Plan, which contained a final rule that continued to prohibit dog training on the Conte Refuge during the months of June and July, but allowed the use of dogs for hunting gray squirrel, American woodcock, and turkey in addition to ruffed grouse on the Putney Mountain Unit, and removed the permit requirement for hunting with or training dogs on the Conte Refuge. *See id.*, SAR-0065, SAR-0074-75.

WHEREAS, on June 6, 2023, the Service also proposed these as regulations in the 2023-2024 Station-Specific Hunting and Sport Fishing Regulations proposed rule. *See* 88 Fed. Reg. 41,058, 41,060, 41,065 (Jun. 23, 2023).

WHEREAS, on October 30, 2023, after considering the public comments, including those from Plaintiffs, the Service incorporated the new regulations in the 2023-2024 Station-Specific Hunting and Sport Fishing Regulations final rule. *See* 88. Fed. Reg. 74,050, 74,059, 74,065 (Oct. 30, 2023).

WHEREAS, the Service added Plaintiffs to its list of local town representatives and partners that receive Service news releases announcing draft Recreational Hunting and Fishing Plans on the Conte Refuge for the state of Vermont.

WHEREAS, the Service has internally circulated a notice to Region 5 Refuge Managers reiterating the importance and benefits of providing public notice in proposed rules as required by the Administrative Procedure Act.

In light of the foregoing, the Parties hereby stipulate and agree to the following:

1. The Parties stipulate to the voluntary dismissal of this lawsuit with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
2. The Parties are each to bear their costs, arising from this matter, including attorney's fees.
3. This Stipulation does not represent an admission by any party to any fact, claim, or defense at issue in this lawsuit. This Stipulation has no precedential value.

Dated: May 21, 2024

Respectfully submitted,

/s/ Alexandra L. Nelson
Alexandrea L. Nelson, Esq.
SHEEHEY FURLONG & BEHM P.C.
Sheehey Furlong & Behm P.C.

30 Main Street, P.O. Box 66
Burlington, VT 05402-0066
(802) 864-9891
anelson@sheeheyvt.com

Attorneys for Plaintiffs

TODD KIM, Assistant Attorney General
S. JAY GOVINDAN, Section Chief
MEREDITH FLAX, Deputy Section Chief

/s/ Jacob Jose
JACOB JOSE, Trial Attorney (CO Bar # 59582)
U.S. Department of Justice
Environment and Natural Resources Division
Wildlife and Marine Resources Section
Ben Franklin Station, P.O. Box 7611
Washington, D.C. 20044-7611
(202) 341-1749 (tel)
(202) 305-0275 (fax)
Jacob.jose@usdoj.gov

Attorneys for Federal Defendants